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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,160	11/17/2003	Shaun Calvin Howick	1139-005	4112

25215 7590 04/27/2007
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EXAMINER

BROWN, PETER R

ART UNIT	PAPER NUMBER
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3636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/715,160

Applicant(s)

HOWICK ET AL.

Examiner

Peter R. Brown

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-20 and 44-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-20 and 44-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Applicant's election with traverse of claims 13-20 in the reply filed on February 15, 2007 is acknowledged. The traversal is on the ground(s) that the search for the various groups would not be overly burdensome. This is not found persuasive because while the searches for the groups may overlap, certain features and limitations found in some of the groups would require further consideration and additional searching that may not be required for all the groups.

The requirement is still deemed proper and is therefore made FINAL.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 44,45,48-53,57,58 and 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishii et al.

Ishii et al. discloses an article of manufacture, comprising: a carrier of the article of manufacture, the carrier having a surface; a heater overlaying the surface, the heater including; i) a flexible carrier;(1) ii) a first conductive medium (2) disposed upon the carrier wherein the first conductive medium includes a negative section having a plurality of first extensions and a positive section having a plurality of second extensions; and iii) a second conductive medium (3) electrically connecting the positive section with the negative section. The second conductive medium (3) includes a plurality of strips, each of the strips in overlapping relation with one of the plurality of first extensions and one of the plurality of second extensions, the plurality of strips also extending substantially parallel to the first and second extensions as shown in the drawings.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-20,44,46,54-56,59-61,63-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al in view of Joseph et al.

Ishii et al. discloses an article of manufacture, comprising: a carrier of the article of manufacture, the carrier having a surface; a heater overlaying the surface, the heater including; i) a flexible carrier;(1) ii) a first conductive medium (2)

disposed upon the carrier wherein the first conductive medium includes a negative section having a plurality of first extensions and a positive section having a plurality of second extensions; and iii) a second conductive medium (3) electrically connecting the positive section with the negative section. The second conductive medium (3) includes a plurality of strips, each of the strips in overlapping relation with one of the plurality of first extensions and one of the plurality of second extensions, the plurality of strips also extending substantially parallel to the first and second extensions as shown in the drawings.

While figure 41 discloses the use of the carrier on a vehicle seat, and a contour therein, the patent to Joseph et al (figs. 1-5) teaches the use of a flexible heater panel that is utilized in a child seat and which has an hour-glass shape with indentations along the sides thereof and cut-outs formed therein for allowing seat belt passage. In view of this suggestion, to have formed the carrier of Ishii et al in such a manner, with the particular hour-glass shape and cut-outs, such that it may be utilized in a child seat environment, would have been obvious to one with ordinary skill in the art.

Note that Ishii et al teaches the use of a protective coating 4 that overlays the conductive mediums.

The particular material utilized in the carrier and the coating, in terms of their dielectric constant, elongation at failure, material and thickness, is considered a matter of design choice and obvious mechanical expediency.


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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Altmann et al, Batliwalla et al, Bengtsson, Humes et al, Weiss et al, Pearce, Macher et al, Jaillet et al, Witchie, and White show various features of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter R. Brown whose telephone number is 571-272-6853. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Peter R. Brown
Primary Examiner
Art Unit 3636

prb